

1  
2  
3  
4  
5 UNITED STATES DISTRICT COURT  
6 WESTERN DISTRICT OF WASHINGTON  
7 AT TACOMA

8 CHARLES V. COLEMAN,

9 Plaintiff,

10 v.

11 DAVID R. BRAND, et al.,

12 Defendants.

CASE NO. 3:23-cv-06135-DGE

ORDER GRANTING MOTION TO  
DISMISS (DKT. NO. 26)

13 On May 3, 2024, Secretary Christine Wormuth filed a motion to dismiss (Dkt. No. 26), to  
14 which Plaintiff Charles Coleman failed to respond. On June 17, 2024, the Court issued an order  
15 directing Plaintiff to show cause as to why the action should not be dismissed no later than July  
16 5, 2024. (Dkt. No. 29.) Plaintiff did not respond.


17 A party's failure to timely oppose a motion to dismiss "may be considered . . . as an  
18 admission that the motion has merit." LCR 7(b)(2); *see also Rendon v. County of Orange*, 2022  
19 WL 16832810, at \*1 (9th Cir. Nov. 9, 2022) ("A district court's authority to dismiss a litigant's  
20 claims for failure to prosecute or to comply with court rules and orders is well-established").  
21 Prior to granting a motion to dismiss on this basis, however, "the district court is required to  
22 weigh several factors: (1) the public's interest in expeditious resolution of litigation; (2) the  
23 court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public  
24 policy favoring disposition of cases o[n] their merits; and (5) the availability of less drastic

1 sanctions.” *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) (internal citation and quotation  
2 omitted).

3 “There is a significant public interest in the speedy and efficient resolution of litigation  
4 and ‘delay in reaching the merits . . . is costly in money, memory, manageability, and confidence  
5 in the process.’” *Hewitt v. Wells Fargo Bank*, 2022 WL 17144728, at \*2 (W.D. Wash. Nov. 22,  
6 2022) (quoting *In re PPA Prods. Liab. Litig.*, 460 F.3d 1217, 1227 (9th Cir. 2006)). Moreover,  
7 the Court’s limited resources “are best spent on cases with a strong chance of resulting in relief,”  
8 and Plaintiff’s failure to respond to the motion to dismiss and order to show cause indicates “a  
9 lack of belief in [the] merits” of this case. *Solorio v. Garland*, 2021 WL 5967939, at \*1 (W.D.  
10 Wash. Dec. 1, 2021). As such, the first two factors favor dismissal. The third factor also favors  
11 dismissal, as unreasonable delay is presumed prejudicial. *Hewitt*, 2022 WL 17144728, at \*2.  
12 And finally, the fifth factor favors dismissal as the Court is unaware of a less drastic sanction  
13 given that Plaintiff appears to no longer be prosecuting this action.

14 Finding four of the five *Ghazali* factors warrant dismissal, the Court GRANTS the  
15 motion to dismiss. (Dkt. No. 26.) This action is DISMISSED without prejudice.

16 Dated this 8th day of July 2024.

17  
18  
19   
20 \_\_\_\_\_  
21 David G. Estudillo  
22 United States District Judge  
23  
24